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12 Attorneys for Plaintiff

13 UNITED STATES MAGISTRATE COURT  
14  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND  
17 SAN FRANCISCO DIVISION

18 UNITED STATES OF AMERICA, )  
19 Plaintiff, )  
20 v. )  
21 JOHNNIE FAYE HOWARD LEWIS, )  
22 Defendant. )

No. 4:06 70083 WDB

  
[PROPOSED] ORDER AND  
STIPULATION FOR CONTINUANCE  
FROM JUNE 16, 2006 TO JULY 28, 2006  
AND EXCLUDING TIME FROM THE  
SPEEDY TRIAL ACT CALCULATION  
(18 U.S.C. § 3161(h)(8)(A)) AND  
WAIVING TIME LIMITS UNDER RULE  
5.1

23 With the agreement of the parties, and with the consent of the defendant, the Court enters  
24 this order scheduling an arraignment or preliminary hearing date of July 28, 2006 at 10:00A.M.  
25 before the duty magistrate judge, and documenting the defendant's waiver of the preliminary  
26 hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the  
27 Speedy Trial Act, 18 U.S.C. § 3161(b), from June 16, 2006 to July 28, 2006. The parties agree,  
28 and the Court finds and holds, as follows:

1. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §  
3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective  
preparation, taking into account the exercise of due diligence.

2. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

cc: WDB's stats, Copy to parties via ECF

**FILED**

JUN 16 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

1 preliminary hearing.


2 3. Counsel for the defense believes that postponing the preliminary hearing is in his  
3 client's best interest, and that it is not in his client's interest for the United States to indict the  
4 case during the normal 20-day timeline established in Rule 5.1.

5 4. The Court finds that, taking into the account the public interest in the prompt  
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
8 the Court finds that the ends of justice served by excluding the period from June 16, 2006 to July  
9 28, 2006 outweigh the best interest of the public and the defendant in a speedy trial. §  
10 3161(h)(8)(A).

11 5. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
12 hearing date before the duty magistrate judge on July 28, 2006, at ~~9:00~~ <sup>10:00 AM</sup> A.M., and (2) orders that  
13 the period from June 16, 2006 to July 28, 2006 be excluded from the time period for preliminary  
14 hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations  
15 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16  
17 IT IS SO STIPULATED:

18  
19 DATED: 6/16/06

  
JAMES GILLER, ESQ.  
Attorney for Defendant

20  
21  
22 DATED: 6/16/06

  
ROBERT DAVID REES  
Assistant United States Attorney

23  
24  
25 IT IS SO ORDERED.

26  
27 DATED: 6-16-06

  
HON. WAYNE D. BRAZIL  
United States Magistrate Judge